



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, NOVEMBER 5, 2003**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**And**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**5:00 P.M.**

***A Special Meeting of the City Council and Redevelopment Agency is Called at 5:00 P.M. for the Purpose of Conducting A Workshop and 6:00 P.M. for Closed Sessions.***

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**5:00 P.M.**

## ***City Council and Redevelopment Agency Action***

### **WORKSHOP**

	<b>Time Estimate</b>		<b>Page</b>
1.	60 Minutes	<b><u>WORKSHOP ON FINANCING, SCOPE, AND SCHEDULE FOR “REMAINING PUBLIC FACILITIES PROJECTS”</u></b> .....	1
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Conduct</u></b> a Workshop; and	
		2. <b><u>Provide</u></b> Direction on Issues to be Further Evaluated Prior to Establishing the Fiscal Year 2005 Budget and Adopting a New Five Year Capital Improvement Program.	

**6:00 P.M.**

## ***City Council Action and Redevelopment Agency Action***

### **CLOSED SESSION:**

1.

#### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 2

2.

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Government Code section 54956.9(a)  
Case Name: Parkin v. City of Morgan Hill  
Case No.: WCAB No. SJO Unassigned; Claim No. 992700500

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

Hunger and Homelessness Awareness Week, November 16-22, 2003  
*Dina Campeau, Emergency Housing Consortium*

**CITY COUNCIL REPORT**

Mayor Pro Tempore Chang

**CITY COUNCIL SUB-COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

**ITEMS 2-19**

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

2. **PERFORMANCE MEASURE UPDATE – FIRST QUARTER FY 2003-2004** ..... 21  
**Recommended Action(s): Receive and File.**
3. **ACCEPTANCE OF PUBLIC IMPROVEMENTS AT THE END OF ADAMS COURT AND  
ALONG A PORTION OF COCHRANE ROAD (ADAMS COURTYARD BUSINESS PARK)** ..... 33  
**Recommended Action(s):**
  1. **Adopt** the Resolution Accepting the Public Improvements for Adams Courtyard Business Park; and
  2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
4.	<b><u>SUBDIVISION, SD-02-11: DEWITT-MARQUEZ</u></b> ..... <b>Recommended Action(s):</b> <u>Take No Action</u> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	39
5.	<b><u>SUBDIVISION, SD-03-05: DEWITT-MARRAD GROUP</u></b> ..... <b>Recommended Action(s):</b> <u>Take No Action</u> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	65
6.	<b><u>APPROPRIATION OF FUNDS FOR NON-BUDGETED PERCHLORATE CONTAMINATION RELATED EXPENSES IN FISCAL YEAR 2003-2004</u></b> ..... <b>Recommended Action(s):</b> <u>Approve</u> the Appropriation of \$359,358 From the Unappropriated Water Fund Balance (650) to Fund the On-going Expenses for Perchlorate Contamination.	91
7.	<b><u>COUNCIL RESOLUTION SUPPORTING GRANT FUNDING FOR WATSONVILLE BRIDGE WIDENING</u></b> ..... <b>Recommended Action(s):</b> 1. <u>Adopt</u> Resolution Supporting the Watsonville Bridge Widening Project as the City's 2005-2006 Hazardous Elimination Safety (HES) Project Candidate; and 2. <u>Certify</u> \$70,000 in Matching Funds will be Appropriated from the Unappropriated Traffic Impact Fund if Grant Application is Successful. City will Cover Costs Associated with Administration, Planning, Design and Inspection, Estimated at \$50,000, plus 10% of the Estimated Construction Cost (\$20,000).	95
8.	<b><u>MAIN AVENUE-UNION PACIFIC RAILROAD (UPRR) CROSSING SAFETY IMPROVEMENTS PROJECT – FIBER OPTIC CABLE RELOCATION AGREEMENT</u></b> ..... <b>Recommended Action(s):</b> 1. <u>Appropriate</u> \$6,500 from the Unappropriated Traffic Impact Fee Fund for This Work; and 2. <u>Authorize</u> the City Manager to Execute a Relocation Agreement, with Costs in the Amount of \$6,090 with Qwest Communications Corporation (QCC) for the Main Avenue/UPRR Crossing Safety Improvements Project, Subject to Review by City Attorney.	99
9.	<b><u>APPROVAL OF ADDITIONAL PG&amp;E FEES FOR AQUATICS CENTER</u></b> ..... <b>Recommended Action(s):</b> <u>Approve</u> Payment of Additional Fees to PG&E for the Aquatics Center in the Amount of \$18,412.24 for a Total of \$210,004.98.	103
10.	<b><u>APPROVE PAYMENT TO SANTA CLARA COUNTY FOR VEGETATION ABATEMENT ON CITY-OWNED PROPERTY</u></b> ..... <b>Recommended Action(s):</b> <u>Approve</u> Payment in the Amount of \$60,608.90 for Vegetation Abatement in Fiscal Year 2002-2003.	105
11.	<b><u>AWARD OF CONTRACT FOR SIDEWALK, CURB &amp; GUTTER REMOVAL AND REPLACEMENT, PHASE III 2003-2004 PROJECT</u></b> ..... <b>Recommended Action(s):</b> 1. <u>Award</u> Contract to Monterey Peninsula Engineering, Inc. for the Construction of the Sidewalk, Curb and Gutter Removal and Replacement 2003-2004 Phase III in the Amount of \$65,140; and 2. <u>Authorize</u> Expenditure of Construction Contingency Funds Not to Exceed \$6,514.	107

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
12.	<b><u>EMERGENCY AUTHORIZATION FOR SEWER LINE REPAIR AT 2983 HOLIDAY COURT</u>.....</b> <b><u>Recommended Action(s):</u></b> 1. <b><u>Adopt</u></b> Resolution Declaring the Need for Emergency Expenditure for Repair Work to Damaged Sewer Line at 2983 Holiday Court; and 2. <b><u>Approve</u></b> Funding in the Amount of \$18,000 for This Emergency Work.	<b>115</b>
13.	<b><u>VOLUNTEER CENTER OF SILICON VALLEY AND CITY OF MORGAN HILL</u></b> <b><u>MEMORANDUM OF UNDERSTANDING (MOU)</u>.....</b> <b><u>Recommended Action(s):</u></b> <b><u>Authorize</u></b> the City Manager to Execute a Memorandum of Understanding (MOU) on Behalf of the City of Morgan Hill with the Volunteer Center of Silicon Valley to Support, in Conjunction with the Office of Emergency Services and other City staff, a Processing Center for Spontaneous Volunteers Responding to a Catastrophic Disaster in the Santa Clara Valley, within the City of Morgan Hill at a Site or Facility to be Determined.	<b>119</b>
14.	<b><u>MEDICAL RESERVE CORPS (MRC) CONTINUATION GRANT (FY-03) FROM THE OFFICE</u></b> <b><u>OF THE SURGEON GENERAL, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES</u> .....</b> <b><u>Recommended Action(s):</u></b> <b><u>Approve</u></b> and <b><u>Accept</u></b> this Continuation Grant of \$50,000 for FY-03 for the Morgan Hill Medical Reserve Corps Operations, Training, and Equipment.	<b>125</b>
15.	<b><u>2003-2004 CITY WORKPLAN, FIRST QUARTER UPDATE</u> .....</b> <b><u>Recommended Action(s):</u></b> <b><u>Accept</u></b> First Quarter Update of the 2003-2004 Workplan.	<b>133</b>
16.	<b><u>ADOPT ORDINANCE NO. 1639, NEW SERIES</u> .....</b> <b><u>Recommended Action(s):</u></b> <b><u>Waive</u></b> the Reading, and <b><u>Adopt</u></b> Ordinance No. 1639, New Series, and <b><u>Declare</u></b> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: <b>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1437 WHICH ADOPTED A PRECISE DEVELOPMENT PLAN FOR A FIVE-UNIT PROJECT WITH COMMON OPEN SPACE AT THE SOUTHEAST CORNER OF JUAN HERNANDEZ DRIVE AND SAN VICENTE COURT. THE AMENDMENT INCLUDES THE ADOPTION OF A NEW PRECISE DEVELOPMENT PLAN FOR FIVE SINGLE-FAMILY HOMES AND ONE GRANNY UNIT (APNs 817-60-062 thru -067) (ZA-02-12: NINA LANE-CHEN).</b>	<b>155</b>
17.	<b><u>ADOPT ORDINANCE NO. 1640, NEW SERIES</u> .....</b> <b><u>Recommended Action(s):</u></b> <b><u>Waive</u></b> the Reading, and <b><u>Adopt</u></b> Ordinance No. 1640, New Series, and <b><u>Declare</u></b> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: <b>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION MMP-02-01: NINA LANE – CHEN (APNs 817-60-062 thru -067) (DA-02-11: NINA LANE - CHEN).</b>	<b>159</b>
18.	<b><u>ADOPT ORDINANCE NO. 1641, NEW SERIES, AS AMENDED</u> .....</b> <b><u>Recommended Action(s):</u></b> <b><u>Waive</u></b> the Reading, and <b><u>Adopt</u></b> Ordinance No. 1641, New Series, as Amended, and <b><u>Declare</u></b> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: <b>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ALLOWING MODIFIED SETBACK DWELLINGS IN RESIDENTIAL PROJECTS DUE TO CONSTRUCTION LIABILITY INSURANCE ISSUES SURROUNDING OWNERSHIP ATTACHED HOUSING (ZA-03-13: CITY OF MORGAN HILL – ZONING TEXT AMENDMENT/ATTACHED HOUSING).</b>	<b>163</b>

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<b>Consent Calendar: 1 - 10 Minutes</b>	

19.	<b><u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES – TOUR OF AQUATICS CENTER CONSTRUCTION SITE ON OCTOBER 24, 2003</u></b> .....	173
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## **City Council Redevelopment Agency Action**

### **CONSENT CALENDAR:**

#### **ITEMS 20-21**

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<b>Consent Calendar: 1 - 10 Minutes</b>	

20.	<b><u>FORMATION OF MORGAN HILL FINANCING AUTHORITY</u></b> .....	175
	<b><u>Recommended Action(s):</u></b>	
	1. Acting as Redevelopment Agency Board of Directors, <b><u>Adopt</u></b> Resolution Approving a Joint Exercise of Powers Agreement between the Redevelopment Agency and the City of Morgan Hill; and	
	2. Acting as City Council, <b><u>Adopt</u></b> Resolution Approving a Joint Exercise of Powers Agreement between the Redevelopment Agency and the City of Morgan Hill	
21.	<b><u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF OCTOBER 15, 2003</u></b> .....	193

## **Redevelopment Agency Action**

### **CONSENT CALENDAR:**

#### **ITEM 22**

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<b>Consent Calendar: 1 - 10 Minutes</b>	

22.	<b><u>GROUND LEASE FOR THE MORGAN HILL COURTHOUSE</u></b> .....	229
	<b><u>Recommended Action(s):</u></b> If negotiations are completed by November 5, 2003, <b><u>Authorize</u></b> the Executive Director to Execute the Ground Lease with the County of Santa Clara for the Morgan Hill Courthouse Complex. If the lease negotiations have not been completed by November 5, 2003, this item will be re-agendized for the November 19, 2003 meeting.	

## City Council Action

### PUBLIC HEARINGS:

	Time Estimate		Page
23.	5 Minutes	<b><u>DEVELOPMENT AGREEMENT DA-03-05: DEWITT-MARRAD GROUP</u></b> .....	231
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Motion to Waive</u></b> the Reading in Full of Development Agreement Ordinance. Action- <b><u>Motion to Introduce</u></b> Development Agreement Ordinance by Title Only. (Roll Call Vote)	
24.	5 Minutes	<b><u>ZONING AMENDMENT, ZA-02-16; DEVELOPMENT AGREEMENT AMENDMENT, DAA-02-09: DEWITT-MARQUEZ</u></b> .....	261
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Motion to Waive</u></b> the Reading in Full of Zoning Amendment (Prezone) Ordinance. Action- <b><u>Motion to Introduce</u></b> Ordinance Zoning Amendment (Prezone) Ordinance by Title Only. (Roll Call Vote) Action- <b><u>Motion to Waive</u></b> the Reading in Full of Development Agreement Amendment Ordinance. Action- <b><u>Motion to Introduce</u></b> Development Agreement Amendment Ordinance by Title Only. (Roll Call Vote)	

## City Council Action

### OTHER BUSINESS:

	Time Estimate		Page
25.	30 Minutes	<b><u>UPDATE OF THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P)</u></b> .....	299
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Review</u></b> Proposed Amendments; 2. <b><u>Accept</u></b> Public Testimony; 3. <b><u>Adopt</u></b> Resolution Approving Negative Declaration; 4. <b><u>Adopt</u></b> Resolution Calling for Special Municipal Election on the March 2, 2004 Ballot; 5. <b><u>Adopt</u></b> Resolution Requesting County Consolidation of Elections; and 6. <b><u>Adopt</u></b> Resolution Setting Priorities for Written Arguments and Directing the City Attorney to Prepare an Impartial Analysis.	
26.	20 Minutes	<b><u>APPEAL APPLICATION, AP-03-06: JARVIS-ANRITSU</u></b> .....	367
		<b><u>Recommended Action(s):</u></b> <b><u>Adopt</u></b> Resolution to Deny Appeal.	

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
27.	5 Minutes	<b><u>HEARING FOR EXEMPTION TO UNDERGROUNDING UTILITIES – 60 AND 70 BISCEGLIA AVENUE</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Open</u></b> Hearing; and 2. <b><u>Grant Exemption</u></b> to the Requirement to Underground Utilities with Payment in Lieu Fees for the Proposed Development at 60 and 70 Bisceglia Avenue.	421
28.	5 Minutes	<b><u>HEARING FOR EXEMPTION TO UNDERGROUNDING OF UTILITIES – 16720 MONTEREY ROAD</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Open</u></b> Hearing; and 2. <b><u>Grant Exemption</u></b> to the Requirement to Underground Utilities with Payment in Lieu Fees for the Proposed Development at 16270 Monterey Road.	427
29.	10 Minutes	<b><u>APPROVAL OF COUNCIL POLICY GOVERNING EX PARTE CONTACTS</u></b> ..... <b><u>Recommended Action(s): Approve</u></b> Council Policy 03-02 Regarding Ex Parte Contacts.	433

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**